

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACTUS, LLC,

Plaintiff,

v.

BANK OF AMERICA CORP., et al.

Defendants.

CASE NO. 2:09-CV-102-TJW

JURY TRIAL DEMANDED

ORDER

Before the Court is Defendants' Joint Motion to Dismiss Counts I and II of Plaintiff's Second Amended Complaint Under Fed. R. Civ. P. 12(b)(6). After due consideration, the Court finds that the motion should be denied.

Defendant's Motion is hereby DENIED.

SO ORDERED.